

REMARKS

Claims 1-30 are pending in the application. Claims 31-40 are cancelled. Claims 41-47 are added. Claims 4, 15 and 26 are amended to correct a typographical error noted by Applicants. Applicants hereby requests further examination and reconsideration of the application, in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 USC § 102

The Patent Office rejected claims 1-4, 12-15, 23-26, 31-34 and 36-39 under 35 U.S.C. § 102(a) as being anticipated by Iwamura, U.S. Patent No. 5,883,621 (Iwamura). Claims 31-34 and 36-39 have been canceled. Applicants respectfully traverse the rejection of claims 1-4, 12-15 and 23-26.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Independent claims 1, 12 and 23 each recite “storing a first *device object* representing the first identified device and a second *device object* representing the second identified device” and “storing an *interconnect object* representing the interconnection between the first identified device with the second identified device, wherein the stored first and second *device objects* and *interconnect object* form at least part of the model.” Moreover, dependent claims 3, 14 and 25 recite “storing an *input object* in the model representing the identified input” and dependent claims 4, 15 and 26 recite “storing an *output object* in the model representing the identified output.” Applicants, in the specification, define an “object” as comprising

a collection of routines and data structures that performs a particular task or implements a particular abstract data type . . . ,

stating further that

[objects] consist of two parts: an interface, which lists the constants, data types, variables, and routines that can be accessed by other objects or routines, and an implementation, which is private (accessible only to the object) and which contains the source code that actually implements the routines in the object.

Applicants' specification, page 6, line 26 through page 7, line 2 and page 11, line 29 through page 12, line 4. Nowhere does the Iwamura reference disclose, teach or suggest the generation of a "model" comprised of "objects" as defined by Applicants. Instead, Iwamura merely teaches generating and displaying a topology map for a digital system wherein the topology map is used to indicate the various components which make up the system. Thus, the Iwamura reference fails to disclose "storing a first *device object* representing the first identified device and a second *device object* representing the second identified device" and "storing an *interconnect object* representing the interconnection between the first identified device with the second identified device, wherein the stored first and second *device objects* and *interconnect object* form at least part of the model" as claimed in claims 1, 4, 12, 15, 23 and 26, "storing an *input object* in the model representing the identified input" as claimed in claims 3, 14 and 25 or "storing an *output object* in the model representing the identified output" as claimed in claims 4, 15 and 26.

Accordingly, it is submitted that the Patent Office has failed to establish *prima facie* anticipation of claims 1-4, 12-15 and 23-26 under 35 U.S.C. § 102(a). Withdrawal of the rejection of these claims is therefore respectfully requested.

Claim Rejections – 35 USC § 103

The Patent Office rejected claims 5-9, 11, 16-20, 22, 27, 28, 30, 35 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Iwamura in view of Hamner et al., U.S. Patent No. 6,076,106 (Hamner). The Patent Office also rejected claims 10, 21 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Iwamura in view of Hamner as applied to claims 5, 16 and 27 and further in view of Humpleman et al., U.S. Patent No. 6,546,419 (Humpleman). Claims 35 and 40 have been canceled. Applicants respectfully traverse the rejection of claims 5-11, 16-22, and 27-30.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03 citing *In re Ryoka*, 180 U.S.P.Q.

580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Moreover, when applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. *See MPEP § 2141 and Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986).

As noted by the Patent Office, Iwamura fails to teach or suggest “querying a user to identify the first and second device as claimed in claims 5, 16 and 27, or “to set an attribute of at least one of the first and second devices” as claimed in claims 9, 18 and 28. The Patent Office relies on Hamner for this teaching, citing specifically column 3, lines 48-54 and column 6, lines 30-47 of the Hamner reference. Applicants respectfully submit that the Patent Office has misinterpreted the teaching of Hamner. Hamner does not disclose, teach or suggest “querying a user” to identify devices and/or attributes of those devices as claimed. Instead, Hamner teaches only that acquisition of data by Hamner’s “core services” may be “in response to a user command.” Hamner, column 3, lines 49-50.

Further, as noted by the Patent Office, neither Iwamura nor Hamner teach or suggest “querying a user to specify if at least one of the first and second devices may be controlled by a remote control” as claimed in claims 10, 21 and 29. The Patent Office relies on Humpleman to provide this teaching, arguing that Humpleman discloses an attribute table for storing device attributes. However, the Patent Office also notes that Humpleman does not explicitly teach that one of the attributes is whether or not the device can be controlled by a remote control. The Patent Office is reminded that the mere fact that the prior art may be modified in the manner suggested by the Patent Office does not make the modification obvious unless the prior art suggested the desirability of the modification. It is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to

deprecate the claimed invention.” *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443 (Fed. Cir. 1992) *quoting In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

Finally, there exists no reason, suggestion, or motivation from the prior art of record for modifying the teachings of Iwamura, Hamner or Humpleman to teach or suggest “querying a user to identify the first and second device” as claimed in claims 5, 16 and 27, or “to set an attribute of at least one of the first and second devices” as claimed in claim 9, 18 and 28, or “to specify if at least one of the first and second devices may be controlled by a remote control” as claimed in claims 10, 21 and 29.

Accordingly, it is respectfully submitted that a *prima facie* case of obviousness of claims 5-11, 16-22, and 27- 30 has not been established. Additionally, as argued above, it is believed that independent claims 1, 12 and 23 are patentable over the prior art of record. It is therefore submitted that claims 5-9, 11, 16-20, 22, 27, 28, 30, 35 and 40 are patentable since each of these claims depend allowable base claims. Withdrawal of the rejections of these claims under 35 U.S.C. § 103 is therefore respectfully requested.

New Claims

Support for new claims 41-47 is found throughout the specification, claims and drawings as originally filed. In particular, support for new claims 41-47 is found in the specification on page 6, line 10 through page 14, line 23. No new matter is added.

It is respectfully submitted that none of the cited references, nor the prior art in general disclose, teach or suggest a system for generating a model representing devices interconnected with an information handling system and interconnections of the devices to at least one of the information handling system and other devices interconnected with the information handling system, and using the model to control the devices, comprising a user interface for providing communication with a user to identify a device interconnected with the information handling system and a model generator for generating a model representing the identified device and the interconnection of the identified device with one of the information handling system, wherein the model includes a device object representing the identified device and an interconnect object representing the interconnection between the identified device and the information handling

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system as claimed in new claims 41-47. Consequently, new claims 41-47 are believed patentable over the prior art, and allowance of these claims is earnestly requested.

Art Made of Record Not Relied On

Applicants will not burden the record with a discussion of art not specifically applied to the claims.

CONCLUSION

The application is respectfully submitted to be in condition for allowance of all claims. Accordingly, notification to that effect is earnestly solicited.

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